

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 G. Craig Birchette, Esq.  
 Vice President  
 Fleming Companies, Inc.  
 1945 Lakepointe Drive  
 Lewisville TX 75057

May 7, 2004

Invoice #11456

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>LHO</u>		
4/2/04 Review LRS/C & S's submittal to B. Meyer; Place telephone call to L. Smith re: Status	0.70 200.00/hr	140.00
4/5/04 Review correspondence; Place telephone call to B. Meyer re: Status	0.40 200.00/hr	80.00
4/6/04 Place telephone call to L. Smith; Place telephone call to B. Meyer re: Status; Review correspondence from T. Noa re: Software	0.40 200.00/hr	80.00
4/7/04 Meeting with B. Christensen re: Status	0.70 200.00/hr	140.00
4/13/04 Review correspondence; Place telephone call to L. Smith	0.30 200.00/hr	60.00

G. Craig Birchette, Esq.

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
4/16/04 Review pleadings and status; Prepare for and attend mediation session; Place telephone call to B. Christensen re: Status	1.80 200.00/hr	360.00
4/19/04 Place telephone call to L. Smith; Review documents; Draft status report to clients	0.70 200.00/hr	140.00
4/21/04 Review email from T. Noa re: Mediation; Email B. Meyer re: Mediation	0.80 200.00/hr	160.00
4/22/04 Correspondence with T. Noa; Place telephone call to B. Meyer re: Attendance of T. Noa at Mediation	0.40 200.00/hr	80.00
4/26/04 Review emails from D. Capozzola and L. Smith; Place telephone call to L. Smith re: Status; Review emails and exchange with T. Hogan; Review pleadings/discovery requests; Exchange emails with T. Noa re: Status	1.40 200.00/hr	280.00
4/27/04 Review email from T. Hogan and Motion for Order approving claims; Followup re: T. Noa; Prepare for Mediation	1.20 200.00/hr	240.00
 SUBTOTAL:	 [ 8.80	 1,760.00]
<u>RM</u>		
4/2/04 Review draft letter to W. Meyer re: Background for mediation	0.30 125.00/hr	37.50
4/13/04 Review correspondence from B. Meyer re: Pre-mediation conference and mediation statement	0.10 125.00/hr	12.50

G. Craig Birchette, Esq.

Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
4/14/04 Draft outline for pre-mediation statement	0.40 125.00/hr	50.00
4/15/04 Review correspondence re: Settlement; Review pleadings re: First lawsuit; Draft confidential mediation statement; Prepare for pre-mediation conference with B. Meyer	1.60 125.00/hr	200.00
4/16/04 Research re: Copyright infringement, fair use doctrine, substantially similar, derivative copy; Review note re: Pre-mediation meeting with B. Meyer	3.20 125.00/hr	400.00
4/19/04 Review correspondence to clients re: Update on Mediation; Research re: Employee not liable if with in course and scope of employment	0.70 125.00/hr	87.50
4/20/04 Place telephone call to B. Meyer re: Confirmed mediation for May 5 and 6; Draft email to clients re: Same	0.30 125.00/hr	37.50
4/22/04 Research generally, issue of copyright infringement, vicarious infringement, fair use doctrine	2.50 125.00/hr	312.50
Review correspondence from clients re: Goals for settlement; Draft Mediation Statement	1.30 125.00/hr	162.50
4/26/04 Review correspondence to and from T. Hogan	0.20 125.00/hr	25.00
4/27/04 Review correspondence to and from T. Noa re: Whether presence required for mediation	0.20 125.00/hr	25.00

G. Craig Birchette, Esq.

Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
4/27/04 Place telephone call to B. Meyer requesting explanation of why T. Noa cannot be present for mediation due to hardship	0.20 125.00/hr	25.00
Place telephone call to Jodi/B. Meyer requesting that explanation of T. Noa's hardship be put into letter and sent to him no later than 9 am tomorrow morning	0.10 125.00/hr	12.50
Draft letter to B. Meyer formally requesting T. Noa's participation in mediation by telephone since financial hardship and not decision-maker with authority for monetary settlement	0.40 125.00/hr	50.00
4/28/04 Review correspondence from M. Dillon re: Specifics of spreadsheet system, copying of date from Berry; Review correspondence from B. Meyer re: Mediation and Mediation Statement; Draft correspondence to T. Noa re: Will let her know if need to be present for mediation; Review correspondence from T. Noa confirming got copy of letter to B. Meyer requesting participation by phone; Place telephone call to Mag Kobayashi re: C&S indemnifying Noa so she has no authority to contribute money to settlement; Review order from court granting Noa participation in mediation by telephone; Draft correspondence to T. Noa re: Same; Review correspondence for discussions re: Settlement; Draft Confidential Mediation Statement	2.60 125.00/hr	325.00
 SUBTOTAL:	 [ 14.10	 1,762.50]

G. Craig Birchette, Esq.

Page 5

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	22.90	\$3,522.50
Additional charges:		
<u>LHO</u>		
4/5/04 Fax		4.00
Xerox		0.60
Postage		1.11
Xerox		4.20
4/28/04 Fax		3.00
Xerox		0.60
4/30/04 Fax		5.00
Postage		0.74
Xerox		2.60
SUBTOTAL:		[ 21.85]
Total costs		\$21.85
Service tax		\$146.75
Total amount of this bill		\$3,691.10
Previous balance		\$2,862.99
Balance due		<u>\$6,554.09</u>

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 G. Craig Birchette, Esq.  
 Vice President  
 Fleming Companies, Inc.  
 1945 Lakepointe Drive  
 Lewisville TX 75057

June 3, 2004

Invoice #11478

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>LHO</u>		
5/3/04 Place telephone call to L. Smith; Review documents and status; Prepare for mediation	1.00 200.00/hr	200.00
5/4/04 Place telephone call to T. Noa; Place telephone call to M. Dillon; Place telephone call to B. Christensen; Place telephone call to L. Smith; Review documents and status; Prepare for mediation with Judge Kobayashi/Mediator Meyer	1.20 200.00/hr	240.00
5/5/04 Prepare for and attend mediation at Federal Court	4.50 200.00/hr	900.00
5/6/04 Attend scheduling conference with Magistrate Kobayashi; Correspondence with T. Noa; Meeting with defense counsel	2.50 200.00/hr	500.00

G. Craig Birchette, Esq.

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
5/7/04 Review transcript of hearing	0.50 200.00/hr	100.00
5/8/04 Review rule 16 order	0.30 200.00/hr	60.00
5/10/04 Review transcript of TRO hearing	0.40 200.00/hr	80.00
5/13/04 Review documents and status; Status conference	0.40 200.00/hr	80.00
5/14/04 Review letter from L. Smith re: Guidance records; Review email from T. Hogan re: Discovery	0.40 200.00/hr	80.00
5/15/04 Research re: Employee exception	2.00 200.00/hr	400.00
5/16/04 Review Court's clerification re: Discovery; Review plaintiff's request for production of documents to Hawaii Transfer Company	0.40 200.00/hr	80.00
5/19/04 Review T. Hogan letter; Review documents; Research re: Motion for Summary Judgment	1.20 200.00/hr	240.00
5/21/04 Review discovery requests to Hawaii Transfer Company, Ltd.; Research re: Motion for Summary Judgment	2.00 200.00/hr	400.00
5/24/04 Review Plaintiff Berry's statement of appeal for Amended Rule 16 scheduling order; Place telephone call to L. Smith	0.70 200.00/hr	140.00
 SUBTOTAL:	 [ 17.50	 3,500.00]

G. Craig Birchette, Esq.

Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>RM</u>		
5/5/04 Draft summary of facts in preparation for mediation with B. Meyer and Judge Kobayashi	0.40 125.00/hr	50.00
5/6/04 Attend status conference with Magistrate Kobayashi to discuss resetting trial dates, discovery, dispositive motions; Review correspondence to T. Noa re: Status of mediation, proceeding to trial; Meet with defense counsel re: Filing Rule 11 and summary judgment motions, strategy for discovery, issues at trial	1.90 125.00/hr	237.50
5/10/04 Review trial setting order and calendar all pretrial dates; Review correspondence from T. Hogan re: Revisions to second amended complaint; Review correspondence from T. Hogan re: Status conference with Magistrate Kobayashi; Calendar status conference; Review correspondence from L. Smith re: CD copy of trial transcripts and Berry deposition taken in first trial	0.80 125.00/hr	100.00
5/11/04 Calendar new trial deadlines; Place telephone call to Magistrate Kobayashi re: Participate on status conference by telephone	0.20 125.00/hr	25.00
5/12/04 Review second amended complaint for individual defendants and causes of actions alleged to move to dismiss/rule 11 sanctions	0.50 125.00/hr	62.50
5/13/04 Attend status conference with Magistrate Kobayashi to discuss two phases of Motions for Summary Judgment, discovery, new trial	1.40 125.00/hr	175.00



G. Craig Birchette, Esq.

Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
date; Meet with defense counsel re: Filing rule 11 motion for sanctions, motion for summary judgment on individual defendants, discovery		
5/24/04 Conference call to L. Smith re: Will not file response to Berry's appeal of Rule 16 order	0.20 125.00/hr	25.00
SUBTOTAL:	[ 5.40	675.00]
For professional services rendered	22.90	\$4,175.00
Additional charges:		
<u>LHO</u>		
5/8/04 Postage		1.80
Xerox		4.80
5/20/04 Xerox		8.80
Xerox		8.80
SUBTOTAL:		[ 24.20]
Total costs		\$24.20
Service tax		\$173.93
Total amount of this bill		\$4,373.13
Previous balance		\$6,554.09

G. Craig Birchette, Esq.

Page 5

5/22/04 Payment - thank you

Amount  
(02,062.99)

Balance due

\$0,064.23

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 G. Craig Birchette, Esq.  
 Vice President  
 Fleming Companies, Inc.  
 1945 Lakepointe Drive  
 Lewisville TX 75057

July 14, 2004

Invoice # 11499

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>JF</u>		
6/30/04 Research copyright infringement; requirement for liability	4.00 95.00/hr	380.00
SUBTOTAL:	[ 4.00	380.00]
<u>LHO</u>		
6/1/04 Review Fleming's Memo in Opposition to Plaintiff's appeal from Rule 16 scheduling order; Research Motion for Summary Judgment	2.50 200.00/hr	500.00
6/3/04 Place telephone call to L. Smith re: Status; Place telephone call to M. Dillon re: Computer software; Conference call with D. Capozzola, L. Smith and M. Dillon;	3.00 200.00/hr	600.00

G. Craig Birchette, Esq.

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
Review Flemings additional statement; Research re: Defenses to claims by W. Berry - employee exception		
6/4/04 Review discovery requests served by Defendant Hawaii Transfer company to Plaintiff	0.40 200.00/hr	80.00
6/7/04 Review Berry's supplemental memo re: Rule 16 order; Review Court's order re: Rule 16 Order; Review Motion for Preliminary Injunction; Commence research in opposition to Motion for Preliminary Injunction	1.50 200.00/hr	300.00
6/8/04 Review documents and status; Place telephone call to M. Dillon and D. Capazzola; Conference call with L. Smith, M. Dillon and D. Capozzola; Exchange emails re: T. Noa deposition; Research re: Opposition to Motion for Preliminary Injunction	3.50 200.00/hr	700.00
6/9/04 Conference call with L. Smith and D. Capozzola re: Case strategy - deposition of Plaintiff; Review documents; Research re: Motion for preliminary hearing	2.50 200.00/hr	500.00
6/10/04 Review and exchange emails with client re: Review of software and data; Exchange emails with clients re: Status of deposition notices; Followup re: Discovery	1.20 200.00/hr	240.00
6/12/04 Research re: Defenses and Motion for preliminary injunction	2.70 200.00/hr	540.00

G. Craig Birchette, Esq.

Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
6/14/04 Conference call with L. Smith and D. Capozzola; Review documents; Research re: Motion for Preliminary Injunction	1.50 200.00/hr	300.00
6/15/04 Prepare Notice of deposition; Email L. Smith and D. Capozzola re: Discovery; Review documents	0.80 200.00/hr	160.00
6/16/04 Review correspondence from T. Hogan re: Plaintiff's deposition; Review discovery responses from Hawaii Transfer Company; Review and exchange correspondence re: Discovery and depositions; Contact clients re: Availability for depositions; Review documents	1.70 200.00/hr	340.00
6/17/04 Review documents; Prepare discovery; Review correspondence re: Discovery	1.20 200.00/hr	240.00
6/18/04 Place telephone call to L. Smith re: New computer; Review correspondence; Prepare Motion for Summary Judgment	1.50 200.00/hr	300.00
6/21/04 Place telephone calls to L. Smith; Conference call with L. Smith, D. Capozzola, S. Barney and M. Dillon; Place telephone call to M. Dillon; Place telephone call to T. Noa; Review documents	2.20 200.00/hr	440.00
6/22/04 Meeting with M. Dillon at warehouse; Review computer consultant's objective; Place telephone call to L. Smith	1.50 200.00/hr	300.00
6/23/04 Place telephone call to M. Dillon re: Status/discovery; Review plaintiff's RICO statement; Review amended complaint; Place telephone	3.50 200.00/hr	700.00

G. Craig Birchette, Esq.

Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
call to T. Hogan re: Discovery; Review subpoena on Iowa Telecomm; Email T. Noa; Place telephone call to M. Dillon; Place telephone call to L. Smith; Research re: Individual liability		
6/24/04 Place telephone call to L. Smith re: Status; Review communications with client; Research re: Motion for Summary Judgment	2.00 200.00/hr	400.00
6/25/04 Research re: Motion for Summary Judgment	2.00 200.00/hr	400.00
6/28/04 Review documents and status; Research re: Subpoena on Iowa Telecomm	1.50 200.00/hr	300.00
6/30/04 Review research re: Iowa telecomm	1.70 200.00/hr	340.00
 SUBTOTAL:	 [ 38.40	 7,680.00]
 MS		
6/2/04 Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/3/04 Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/4/04 Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/5/04 Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/7/04 Research re: Motion for Summary Judgment	2.50 95.00/hr	237.50

G. Craig Birchette, Esq.

Page 5

		<u>Hrs/Rate</u>	<u>Amount</u>
6/9/04	Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/11/04	Research re: Motion for Summary Judgment	3.00 95.00/hr	285.00
6/12/04	Research re: Motion for Summary Judgment	1.00 95.00/hr	95.00
6/13/04	Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/14/04	Research re: Motion for Summary Judgment	2.50 95.00/hr	237.50
6/15/04	Research re: Motion for Summary Judgment	2.50 95.00/hr	237.50
6/16/04	Research re: Motion for Summary Judgment	1.00 95.00/hr	95.00
6/25/04	Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/26/04	Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/28/04	Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/29/04	Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
6/30/04	Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
7/1/04	Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
7/2/04	Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00



G. Craig Birchette, Esq.

Page 6

	<u>Hrs/Rate</u>	<u>Amount</u>
7/5/04 Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
7/7/04 Research re: Motion for Summary Judgment	1.00 95.00/hr	95.00
7/9/04 Research re: Motion for Summary Judgment	1.50 95.00/hr	142.50
 SUBTOTAL:	 [ 43.00	 4,085.00]
 <u>RM</u>		
6/1/04 Review Berry's Motion for preliminary injunction	0.50 125.00/hr	62.50
6/2/04 Review Fleming's opposition to Berry's appeal of Rule 16 order; Draft memo to file re: Research needed for opposition to Berry's Motion for Preliminary Injunction, rule 11 motion and Motion for Summary Judgment	0.60 125.00/hr	75.00
6/3/04 Conference call with M. Capozzola, L. Smith and M. Dillon re: Berry's software and current spreadsheets in use, status of bankruptcy case and plan or reorganization; Review case law re: No copyrightable interest in data	0.60 125.00/hr	75.00
Research issue of general copyright law, copyright infringement	2.10 125.00/hr	262.50
6/8/04 Conference call with D. Capozzola, L. Smith and M. Dillon re: Discovery produced during first lawsuit, Gurzi's review of computers	0.40 125.00/hr	50.00



G. Craig Birchette, Esq.

Page 7

	<u>Hrs/Rate</u>	<u>Amount</u>
6/10/04 Place telephone call to D. Capozzola re: Scheduling deposition of W. Berry; Review research re: Copyright infringement	1.20 125.00/hr	150.00
6/14/04 Review plaintiffs discovery requests for T. Noa; Draft letter to T. Noa re: Review discovery requests, complete, and telephone to discuss; Conference call with L. Smith re: Scheduling Berry's deposition	0.50 125.00/hr	62.50
6/16/04 Review correspondence from T. Hogan re: Depositions, request status conference on deposition of Berry	0.20 125.00/hr	25.00
6/21/04 Review correspondence from T. Noa re: Responses to discovery requests from Berry; Place telephone call to M. Dillon re: Expert here today to scrub computers	0.40 125.00/hr	50.00
6/22/04 Meet with M. Dillon at Kapolei office; Draft T. Noa's response to Berry's interrogatories	3.00 125.00/hr	375.00
6/23/04 Conference call with L. Smith re: Status conference with Magistrate Kobayashi, deposition scheduling, SDT on Iowa Telecomm; Draft letter to T. Hogan re: Deposition of Berry off indefinitely; Draft letter to T. Hogan re: Meet and confer on SDT to Iowa Telecomm; Meet re: Status conference with Magistrate, service of amended complaint on additional individual defendants; Place telephone call to A. Lopez re: Status conference; Place telephone call to E. Porter	3.80 125.00/hr	475.00

G. Craig Birchette, Esq.

Page 8

	<u>Hrs/Rate</u>	<u>Amount</u>
re: Status conference; Draft correspondence to T. Noa re: SDT and plan of action; Review Berry's motion for PI; Draft shell of rule 12(b)(6) motion to dismiss and motion for rule 11 sanctions		
6/23/04 Review second amended complaint; Research issue of rule 11 sanctions and dismissal for failure to state claim	2.10 125.00/hr	262.50
6/24/04 Place telephone call to T. Hogan re: Meet and confer; Review correspondence from L. Smith and D. Capozzola re: Noa's deposition; Draft correspondence to L. Smith re: Meet and confer with T. Hogan and will wait and see if need status conference; Review correspondence from T. Noa re: SDT; Draft email to T. Hogan re: Meet and confer	0.80 125.00/hr	100.00
Research issue of protective order; Place telephone call to D. Capozzola re : Need supplemental Affidavit from M. Dillon; Place telephone call to M. Dillon; Draft correspondence to T. Hogan re: Concerns over SDT on Iowa Telecomm; Place telephone call to M. Dulac re: Supplemental Affidavit of M. Dillon; Conference call with M. Dulac and M. Dillon re: No use of software after 6/9/03; Place telephone call to M. Dillon re: Review of supplement declaration; Review correspondence from T. Hogan re: Suggestions short of withdrawing SDT and responded	3.70 125.00/hr	462.50

G. Craig Birchette, Esq.

Page 9

	<u>Hrs/Rate</u>	<u>Amount</u>
6/25/04 Review correspondence from T. Hogan re: When will Noa's responses be available; Research protective order over phone records; Conference call with T. Hogan re: SDT on Iowa Telecomm; Draft memo; Research and draft stipulated protective order; Review order affirming discovery limitations in amended rule 16 scheduling order	5.10 125.00/hr	637.50
6/28/04 Review correspondence from L. Smith re: Deposition of W. Berry; Review correspondence re: Status conference with court on SDT on Iow Telecomm; Meeting with M. Dillon at L. Smith's office, need to prepare for hearing in bankruptcy case; Prepare binder of depositions, declarations and trial testimony of M. Dillon for fed ex; Review subpoena on H. Bernardino for oral deposition and to produce documents; Place telephone call to M. Dillon re: Meeting at L. Smith's office and availability to attend bankruptcy hearing; Place telephone call to B. Christensen re: Who H. Bernardino is; Place telephone call to L. Smith re: Subpoena on Bernardino; Place telephone call to L. Smith re: Bernardino former Foodland employee; Correspondence to D. Capozzola and L. Smith re: Dillon's availability to meet this week and attend bankruptcy hearing; Memo to file re: Objections to SDT on Bernardino	3.00 125.00/hr	375.00

G. Craig Birchette, Esq.

Page 10

	<u>Hrs/Rate</u>	<u>Amount</u>
6/29/04 Place telephone call to M. Dillon re: Meeting tomorrow and will not be at Kapolei office in the morning; Place telephone call to T. Hogan re: No objection to status conference on 7/7; Draft letter to Magistrate Kobayashi requesting status conference on SDT for Noa's records; Draft correspondence	1.00 125.00/hr	125.00
Review correspondence re: SDT for Noa's records; Fax letter to Judge Kobayashi and all counsel re: Request for status conference; Meet with J. Faye re: Research standard for Motion to Dismiss, if information outside complaint considered then motion for summary judgment and research re: What need to succeed on infringement claim; Draft objection to SDT for Noa's records; Reseach copyright infringement, protection of literal works including computer software; Meet with M. Dillon re: SDT for Noa's records; Meet with L. Smith re: API, Fleming, first copyright lawsuit	5.60 125.00/hr	700.00
 SUBTOTAL:	 [ 34.60	 4,325.00]
 For professional services rendered	 120.00	 \$16,470.00
Additional charges:		
<u>LHO</u>		

G. Craig Birchette, Esq.

Page 11

	<u>Amount</u>
6/1/04 Xerox	8.20
6/2/04 Postage	8.70
Xerox	4.80
6/14/04 Postage	14.94
Xerox	10.40
6/15/04 Fax	8.00
6/23/04 Postage	1.11
Xerox	2.80
Fax	12.00
6/25/04 Postage	11.85
6/28/04 Postage	3.87
Xerox	25.20
Fax	12.00
6/30/04 Fax	21.00
7/2/04 Postage	1.11
Xerox	2.00
Fax	15.00
 SUBTOTAL:	 [ 162.98]
 Total costs	 \$162.98
Service tax	\$686.14
Total amount of this bill	\$17,319.12

G. Craig Birchette, Esq.

Page 12

	<u>Amount</u>
Previous balance	\$8,064.23
6/6/04 Payment - thank you	(\$3,691.10)
6/27/04 Payment - thank you.	(\$4,373.13)
	<hr/>
Total payments	(\$8,064.23)
	<hr/>
Balance due	<u><u>\$17,319.12</u></u>

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 G. Craig Birchette, Esq.  
 Vice President  
 Fleming Companies, Inc.  
 1945 Lakepointe Drive  
 Lewisville TX 75057

August 18, 2004

Invoice # 11530

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
7/2/04 Review and finalize letter brief to Magistrate Kobayashi re: Iowa Telecomm	1.50 200.00/hr	300.00
7/6/04 Work on discovery; Review documents	1.40 200.00/hr	280.00
7/7/04 Review Plaintiff's answer to Hawaii Transfer's interrogatories and request for production of documents; Appear at District Court re: Motion/conference re: Plaintiff's subpoena on Iowa Telecomm; Place telephone call to M. Dillon and T. Noa; Research re: Motion for Summary Judgment	4.20 200.00/hr	840.00
7/8/04 Communicate with T. Noa and M. Dillon re: Subpoena on Iowa Telecomm; Begin working on T. Noa's deposition; Communicate with L. Smith and D. Capozzola re: Subpoena and deposition of T. Noa;	3.00 200.00/hr	600.00

G. Craig Birchette, Esq.

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
Review Trial testing of M. Dillon		
7/9/04 Review Foodland's answer to Plaintiff's second amended Complaint; Place telephone call to Carnazzo re: Iowa Telecomm; Research and review cases for Motion for Summary Judgment	2.80 200.00/hr	560.00
7/10/04 Review M. Dillon prior testimony; Research re: Motion for Summary Judgment	3.50 200.00/hr	700.00
7/12/04 Meeting with client re: Deposition preparation; Research re: Motion for Summary Judgment; Communications with counsel re: Strategy	3.70 200.00/hr	740.00
7/13/04 Correspondence with counsel re: Discovery/Dillon deposition; Place telephone call to M. Dillon re: Deposition preparation; Review HTC answer; Correspondence with T. Noa; Place telephone call to L. Smith; Place telephone call to D. Capozzola; Draft letter to T. Hogan re: Deposition; Review T. Noa interrogatory responses; Review and finalize answer to second amended complaint; Research re: Motion for Summary Judgment	5.20 200.00/hr	1,040.00
7/14/04 Review HES' answer to second amended complaint; Review and finalize T. Noa's responses to interrogatories; Place telephone call to L. Smith re: Status and depositions; Meeting with E. Liebler, L. Smith, D. Capozzola and M. Dillon	3.50 200.00/hr	700.00



G. Craig Birchette, Esq.

Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
7/15/04 Review testimony of M. Dillon; Place telephone call to L. Smith; Place telephone call to D. Capozzola; Place telephone call to M. Dillon; Review documents to prepare for testimony	3.20 200.00/hr	640.00
7/16/04 Place telephone call to M. Dillon and D. Capozzola; Meeting with E. Liebler, D. Capozzola and M. Dillon; Prepare for testimony in Delaware bankruptcy court; Research re: Motion for Summary Judgment - employee liability	6.00 200.00/hr	1,200.00
7/17/04 Prepare for testimony in Delaware bankruptcy court	2.00 200.00/hr	400.00
7/18/04 Review Fleming and C&S Answer to second amended complaint; Review M. Dillon testimony; Place telephone call to D. Capozzola re: Preparation of M. Dillon for testimony; Review Motion for Preliminary Injunction; Research and prepare response	4.50 200.00/hr	900.00
7/19/04 Exchange email communications; Place telephone call to D. Capozzola; Place telephone call to T. Noa and D. Capozzola re: Delaware testimony; Place telephone call to M. Dillon re: Arrangements and preparation for testimony	5.50 200.00/hr	1,100.00
7/20/04 Numerous calls to M. Dillon, D. Capozzola and T. Noa; Review prior testimony; Conference calls to prepare for testimony; Work on motion for summary judgment and opposition	6.50 200.00/hr	1,300.00

G. Craig Birchette, Esq.

Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
7/21/04 Place telephone call to M. Dillon; Correspondence with D. Capozzola; Correspondence with T. Noa; Prepare for Dillon examination; Review testimony of L. Smith; Research re: Motion for Summary Judgment	6.00 200.00/hr	1,200.00
7/22/04 Correspondence with clients T. Noa and M. Dillon re: Testimony in Delaware; Correspondence with D. Capozzola re: Testimony in Delaware; Review documents and prepare for Delaware; Research re: Motion for Summary Judgment	5.00 200.00/hr	1,000.00
7/23/04 Prepare for M. Dillon and T. Noa examination and travel to Delaware	6.00 200.00/hr	1,200.00
7/24/04 Travel to Delaware; Prepare for motion for confirmation hearing	8.00 200.00/hr	1,600.00
7/25/04 Prepare for motion for confirmation hearing in Delaware	12.00 200.00/hr	2,400.00
7/26/04 Prepare for and attend hearing to confirm in the bankruptcy court in Delaware	10.00 200.00/hr	2,000.00
7/27/04 Travel/return from Delaware	8.00 200.00/hr	1,600.00
7/28/04 Research re: Motion for Summary Judgment	4.00 200.00/hr	800.00
7/29/04 Place telephone call to T. Noa and revedi material provided re: Fleming status following hearing; Place telephone call to B. Christensen and L. Smith re: Report following Delaware bankruptcy court hearing; Conference call and research rule	7.00 200.00/hr	1,400.00

G. Craig Birchette, Esq.

Page 5

	<u>Hrs/Rate</u>	<u>Amount</u>
68 offer; Draft and research Motion for Summary Judgment; Research letter to T. Hogan re: 56(f)		
7/30/04 Research and draft Motion for Summary Judgment	3.00 200.00/hr	600.00
7/31/04 Research and draft Motion for Summary Judgment	2.00 200.00/hr	400.00
For professional services rendered	127.50	\$25,500.00
Service tax		\$1,062.33
Total amount of this bill		\$26,562.33
Balance due		\$26,562.33